

Exhibit 1

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

* * * * *

KEVIN T. LAVERY, M.D.,

Plaintiff,

Case Number:

vs.

2:22-cv-10613-BAF-KGA

PURSUANT HEALTH, INC.,

Defendant.

_____/

THE VIDEOTAPED DEPOSITION OF KEVIN LAVERY, M.D.

The videotaped deposition of Kevin
Lavery, M.D. taken at 740 West Michigan Avenue,
Jackson, Michigan, on Tuesday, January 31, 2023,
commencing at about 9:05 in the morning, pursuant
to notice.

Page 62	Page 64
<p>1 the contacts, the knowledge in medicine, he</p> <p>2 wanted me at the table. He wanted access to</p> <p>3 those ideas.</p> <p>4 And that's why we talked as much as we</p> <p>5 did even after the closing and starting the</p> <p>6 business. He ran most ideas by me before</p> <p>7 implementing them.</p> <p>8 So you know, Bart saw in me an idea guy</p> <p>9 that he didn't have to areas of medicine that he</p> <p>10 didn't even know about. I had to explain</p> <p>11 diabetic retinopathy to him.</p> <p>12 And so, you know, through those</p> <p>13 interactions over the course of a relatively</p> <p>14 short period was 'I want you as an owner and I</p> <p>15 want you at the table.'</p> <p>16 Q And this first phone call that you described that</p> <p>17 you received from Bart Foster, do you remember</p> <p>18 when that phone call took place?</p> <p>19 A I do not.</p> <p>20 Q Sometime in 2007 before the date of the document</p> <p>21 we've marked as Exhibit 8?</p> <p>22 A Correct.</p> <p>23 Q Do you believe it was a couple of weeks before or</p> <p>24 a couple of months before? What's your best</p> <p>25 memory about the timing of that phone call from</p>	<p>1 Q Can you identify Exhibit 9 for the record?</p> <p>2 A I think at closing this was the contribution</p> <p>3 agreement that was signed.</p> <p>4 Q Is it fair to say that Exhibit 9 is the</p> <p>5 definitive agreement that was contemplated by the</p> <p>6 Letter of Intent that we marked as Exhibit 8?</p> <p>7 A There's many, many differences between the Letter</p> <p>8 of Intent and the contribution agreement.</p> <p>9 Q I appreciate that. My question is, is it fair to</p> <p>10 say that the document we marked as Exhibit 9 is</p> <p>11 the agreement -- the final agreement that was</p> <p>12 contemplated by the Letter of Intent that we</p> <p>13 marked as Exhibit 8?</p> <p>14 MR. INOENCIO: Objection, form.</p> <p>15 You may answer.</p> <p>16 THE WITNESS: So other than the fact</p> <p>17 that the document was changed between when I</p> <p>18 signed off on it with my lawyer on Saturday and</p> <p>19 the document that I signed on Thursday when there</p> <p>20 was an alteration made to the document without my</p> <p>21 knowledge, yes, this was the intent of the</p> <p>22 document.</p> <p>23 BY MR. BUSH:</p> <p>24 Q This was the -- the document we marked as</p> <p>25 Exhibit 9 is the intent of the document that we</p>
Page 63	Page 65
<p>1 Mr. Foster and the timing of the lunch you</p> <p>2 described that took place next to the tennis</p> <p>3 courts?</p> <p>4 A Dinner. Dinner by the tennis courts.</p> <p>5 Q Thank you.</p> <p>6 A Was -- we had dinner inside but we went out there</p> <p>7 to chat afterwards. It was sunny and warm. It</p> <p>8 was probably a spring day.</p> <p>9 Q A spring day in --</p> <p>10 A '07.</p> <p>11 Q The spring of 2007?</p> <p>12 A I would think so.</p> <p>13 Q And that was the first time you met Mr. Foster</p> <p>14 in person?</p> <p>15 A In person, correct.</p> <p>16 Q And prior to that meeting that was in person, you</p> <p>17 had had a telephone conversation with Mr. Foster,</p> <p>18 correct?</p> <p>19 A And perhaps some emails as well.</p> <p>20 MR. BUSH: We'll mark this as Exhibit 9.</p> <p>21 (Exhibit 9 is marked.)</p> <p>22 BY MR. BUSH:</p> <p>23 Q Do you recognize the document we've marked as</p> <p>24 Exhibit 9, Dr. Lavery?</p> <p>25 A I do.</p>	<p>1 previously marked as Exhibit 8, correct?</p> <p>2 A Except for the alterations that I was unaware of.</p> <p>3 Q What are the alterations that were made to the</p> <p>4 document we marked as Exhibit 9 that you claim</p> <p>5 you had no knowledge of?</p> <p>6 MR. INOENCIO: Objection. It misstates</p> <p>7 his testimony. Exhibit 9 is the signed</p> <p>8 agreement, right?</p> <p>9 THE WITNESS: Correct. Oh, and the</p> <p>10 Letter of Intent is 8.</p> <p>11 BY MR. BUSH:</p> <p>12 Q Do you understand my question?</p> <p>13 A Apparently not.</p> <p>14 Q All right. We'll start over. I just asked you</p> <p>15 whether Exhibit 9 is the document that's</p> <p>16 contemplated by Exhibit 8. And I believe you</p> <p>17 told me that Exhibit 9 is the document that was</p> <p>18 the intent of Exhibit 8.</p> <p>19 Exhibit 9 is the final document of the</p> <p>20 document that's contemplated in the Letter of</p> <p>21 Intent we marked as Exhibit 8, correct?</p> <p>22 A Except for the change that was altered, yes.</p> <p>23 Q So tell me about the change that was altered that</p> <p>24 you just -- that you just referenced.</p> <p>25 A So in -- Version 7 of the document, I have the</p>

Page 70	Page 72
<p>1 you had seen a version of this agreement that</p> <p>2 included the words 'for remainder of the term,'</p> <p>3 correct?</p> <p>4 A After it was explained to me by counsel what it</p> <p>5 meant in his mind that agreed with what it meant</p> <p>6 in my mind.</p> <p>7 Q And the explanation from counsel was an</p> <p>8 explanation that was given to you by counsel for</p> <p>9 SoloHealth?</p> <p>10 A Correct.</p> <p>11 Q Who else was at the closing that you described?</p> <p>12 A I think Fred Baumbarnier [sic] was there. I don't</p> <p>13 remember the other participants.</p> <p>14 MR. INOENCIO: Do you mean Fred</p> <p>15 Baumbach?</p> <p>16 THE WITNESS: Baumbach, yes.</p> <p>17 MR. INOENCIO: It's okay.</p> <p>18 THE WITNESS: Sorry.</p> <p>19 BY MR. BUSH:</p> <p>20 Q Do you remember roughly how many people attended</p> <p>21 the closing?</p> <p>22 A Seven or eight, perhaps.</p> <p>23 Q And those seven or eight individuals were</p> <p>24 representatives of SoloHealth or counsel for</p> <p>25 SoloHealth or yourself?</p>	<p>1 Q Focusing on the closing, at the time of the</p> <p>2 closing, did you have a demonstration video at</p> <p>3 that point in time of the concept that was</p> <p>4 captured in your patent?</p> <p>5 A I don't recall the dates as to where and when</p> <p>6 that video was shown. It probably was -- I don't</p> <p>7 know. I don't know. I don't remember when that</p> <p>8 video was shown.</p> <p>9 Q And the video that you're describing right now,</p> <p>10 that's the video that you testified about earlier</p> <p>11 that was prepared by Mr. Hiremath out of</p> <p>12 Australia?</p> <p>13 A Hiremath, yes.</p> <p>14 Q Hiremath. There's not a different demonstration</p> <p>15 video other than the one prepared by Mr. Hiremath</p> <p>16 about which you testified earlier this morning,</p> <p>17 correct?</p> <p>18 A Correct. And again, we don't know if it's a</p> <p>19 video or just a camera footage stream.</p> <p>20 Q And whether it's a video or a footage stream,</p> <p>21 that's not something that you presented to</p> <p>22 SoloHealth at the closing of the contribution</p> <p>23 agreement, correct?</p> <p>24 A Correct.</p> <p>25 Q Was there a business model for your idea of a</p>
Page 71	Page 73
<p>1 A I was there as an individual. So everybody else</p> <p>2 would have been related to SoloHealth or counsel</p> <p>3 for SoloHealth.</p> <p>4 Q Was your counsel present?</p> <p>5 A He was not.</p> <p>6 Q And you were in person present for the closing of</p> <p>7 the contribution agreement?</p> <p>8 A Correct.</p> <p>9 Q And that closing took place where?</p> <p>10 A I believe at the offices of DLA Piper in Atlanta.</p> <p>11 Q Now, at the closing, did you provide anything</p> <p>12 other than the patent to SoloHealth?</p> <p>13 A I'm not sure what you're asking.</p> <p>14 Q Did you provide any intellectual property to</p> <p>15 SoloHealth at the closing other than the</p> <p>16 assignment of your patent?</p> <p>17 A I thought the contribution agreement was I was</p> <p>18 also giving them my intellectual property.</p> <p>19 Q What intellectual property did you provide to</p> <p>20 SoloHealth at the closing other than your patent?</p> <p>21 A I did not provide them any documents or</p> <p>22 material -- materials at the time of closing.</p> <p>23 Q Did you provide other intellectual property to</p> <p>24 SoloHealth after the closing?</p> <p>25 A Absolutely.</p>	<p>1 medical screening kiosk that you provided to</p> <p>2 SoloHealth at the closing of the contribution</p> <p>3 agreement?</p> <p>4 A I don't believe there was one at closing, no.</p> <p>5 Q Did you come to work on a business model for</p> <p>6 SoloHealth after the date of the closing of the</p> <p>7 contribution agreement?</p> <p>8 A It was certainly a big part of our focus. We</p> <p>9 just started a new business, hopefully we've got</p> <p>10 a business model. And it was changing.</p> <p>11 But there was a document that I saw</p> <p>12 relatively quickly after the closing. We were</p> <p>13 discussing strategy and business models, and I</p> <p>14 was referenced in that discussion.</p> <p>15 So presumably I was at that meeting</p> <p>16 and part of the discussions on the business</p> <p>17 model.</p> <p>18 Q But you didn't present a business model to</p> <p>19 SoloHealth at the closing of the contribution</p> <p>20 agreement that we marked as exhibit -- Exhibit 9,</p> <p>21 correct?</p> <p>22 MR. INOENCIO: Asked and answered.</p> <p>23 You may answer.</p> <p>24 THE WITNESS: I don't believe so.</p> <p>25 BY MR. BUSH:</p>

Page 74	Page 76
<p>1 Q Now, at the closing did you present any sort of 2 method for developing or implementing a medical 3 screening kiosk to SoloHealth? 4 A At the closing? 5 Q At the closing. 6 A Not asked for, not provided. 7 Q Did you provide any software to SoloHealth at the 8 closing of the contribution agreement that we've 9 marked as Exhibit 9? 10 A I did not. 11 Q Did you insist upon any confidentiality 12 restrictions in your favor and on the part of 13 SoloHealth in connection with the execution of 14 the contribution agreement that we've marked as 15 Exhibit 9? 16 A I'm not sure what your question is asking, I'm 17 sorry. 18 Q Did you request any confidentiality obligations 19 in your favor on the part of SoloHealth at the 20 time of the closing of the contribution agreement 21 that we marked as Exhibit 9? 22 A No. 23 Q I'm going to give you a document that we will 24 mark as Exhibit 10. 25 (Exhibit 10 is marked.)</p>	<p>1 discussions and looking for partners was all done 2 to help the company not -- presumably under the 3 consulting agreement, but I was never paid. 4 If I was paid, I may have been paid once 5 but I don't recall that. But I was never paid 6 more than once, that I know of. 7 Q And during the time in which you were providing 8 services under the consulting agreement, did you 9 come to work on a business model with SoloHealth? 10 A A start-up is a very fluid thing. And so you're 11 always trying and failing and trying and failing. 12 Unfortunately SoloHealth has not 13 succeeded as much as I would have liked it to. 14 But that's always on your brain as a start-up 15 company. What are we going to do to drive 16 revenue? So that's never off your brain. 17 Q Did you provide a business model to SoloHealth in 18 connection with providing consulting services or 19 did you instead collaborate with SoloHealth 20 around different iterations or ideas for a 21 business model? 22 A So before we signed the contribution agreement, I 23 had laid out lots of different potential business 24 models for them to pursue and revenue sources. 25 Once we started rolling out the vision</p>
Page 75	Page 77
<p>1 BY MR. BUSH: 2 Q Do you recognize the document we've marked as 3 Exhibit 10, Dr. Lavery? 4 A I do. 5 Q And what is the document we've marked as 6 Exhibit 10? 7 A It's a consulting agreement made between myself 8 and SoloHealth. 9 Q And you executed the consulting agreement we 10 marked as Exhibit 10 at the closing of the 11 contribution agreement that we marked as 12 Exhibit 9, correct? 13 A Correct. 14 Q What kinds of services did you provide to 15 SoloHealth in your performing the consulting 16 agreement we've marked as Exhibit 10? 17 A So it's hard for me to differentiate, largely 18 because to the best of my recollection I never 19 submitted a bill and was never paid as a 20 consultant. 21 So I looked at this as I'm the founder 22 of a company, I'm the start-up, I want it to 23 succeed, I'm going to do whatever I can to make 24 them successful. 25 And so all of the calls and meetings and</p>	<p>1 plan, the vision screening alone with no other 2 functionality on it, that required changing the 3 business model to focus on referrals and to see 4 who would pay for it. 5 So the business model continued to 6 evolve, and I helped them develop the changing 7 business model. 8 Q And you have alleged in this litigation that your 9 ideas for a business model is a protected trade 10 secret. Is that right? Is that your allegation? 11 A So I make the argument, it's such a great idea -- 12 the answer is yes. But I think it's still what 13 SoloHealth should do. And nobody is doing it 14 yet. And so it's still, like, the answer. So 15 absolutely that's my business model that I hope 16 they employ. 17 Q And that's the business model that you worked on 18 with them in iterative form during your time of 19 providing services under the consulting 20 agreement? 21 A No. It was provided before I even signed the 22 consulting agreement. I outlined all of that to 23 them. 24 Q And in what way was that outlined? 25 A Bart and I had lots and lots of conversations and</p>

Page 82	Page 84
<p>1 BY MR. BUSH:</p> <p>2 Q Going back on the record, Dr. Lavery. Your</p> <p>3 counsel has also asserted in this lawsuit that</p> <p>4 you provided to SoloHealth a method for</p> <p>5 developing or implementing or expanding the</p> <p>6 usage of a medical screening kiosk.</p> <p>7 Are you familiar with that assertion?</p> <p>8 A I don't know specifically what you're asking or</p> <p>9 what the assertion is.</p> <p>10 Q Your counsel has asserted that you claim as a</p> <p>11 trade secret a method for developing or</p> <p>12 implementing or expanding the usage of a medical</p> <p>13 screening kiosk. Is that familiar to you?</p> <p>14 A Correct.</p> <p>15 Q At the closing of the contribution agreement,</p> <p>16 did you provide to SoloHealth a method for</p> <p>17 developing, implementing, or expanding the usage</p> <p>18 of a medical screening kiosk?</p> <p>19 A Over the months leading up to that closing, the</p> <p>20 possibilities of what the kiosk could do and how</p> <p>21 it would be implemented were discussed many times</p> <p>22 between Bart and myself.</p> <p>23 Q Those were in informal discussions between you</p> <p>24 and Mr. Foster?</p> <p>25 A So one-on-one in person, on the phone. There may</p>	<p>1 Health to develop, implement, and expand the</p> <p>2 usage of the medical screening kiosk as described</p> <p>3 in his response to interrogatory number 7; do you</p> <p>4 see that?</p> <p>5 A I'm not aware that they did anything other than</p> <p>6 the Letter of Intent and being part of the same</p> <p>7 team to do anything. I don't know what they did</p> <p>8 to protect my secrets.</p> <p>9 Q You didn't specifically ask that SoloHealth do</p> <p>10 anything specific to protect any of the</p> <p>11 information that you provided, correct?</p> <p>12 MR. INOENCIO: I'm going to object to</p> <p>13 the extent that you're mentioning now SoloHealth</p> <p>14 but the question related to Pursuant Health.</p> <p>15 BY MR. BUSH:</p> <p>16 Q You can answer the question.</p> <p>17 A So I apologize. I'm not trying to be difficult.</p> <p>18 Can you repeat that one more time?</p> <p>19 Q Yeah. First of all, the response at the top of</p> <p>20 page 14, Plaintiff is unaware of any documents</p> <p>21 evidencing any efforts to maintain the secrecy of</p> <p>22 the method to be used by Pursuant Health to</p> <p>23 develop, implement, and expand the usage of the</p> <p>24 medical screening kiosk. Do you see that?</p> <p>25 A I do.</p>
Page 83	Page 85
<p>1 have been emails, I don't recall.</p> <p>2 Q And looking back at the document we marked as</p> <p>3 Exhibit 11 --</p> <p>4 A I'm sorry. They're back --</p> <p>5 MR. INOENCIO: They are in order.</p> <p>6 THE WITNESS: Can I have yours? Oh,</p> <p>7 they're in order. Thank you.</p> <p>8 MR. INOENCIO: It's the very last</p> <p>9 exhibit.</p> <p>10 THE WITNESS: Thanks.</p> <p>11 (Discussion off the record.)</p> <p>12 BY MR. BUSH:</p> <p>13 Q Looking at Exhibit 11, and pages 13 and 14,</p> <p>14 there's the request for production number 19,</p> <p>15 it's at the bottom of page 13, that seeks</p> <p>16 documents evidencing confidentiality agreements</p> <p>17 around the secrecy of, quote, the method to be</p> <p>18 used by Pursuant Health to develop, implement,</p> <p>19 and expand the usage of the medical screening</p> <p>20 kiosk; do you see that?</p> <p>21 A I do.</p> <p>22 Q And on the next page, your response to that</p> <p>23 request is that Plaintiff is unaware of any</p> <p>24 documents evidencing any efforts to maintain the</p> <p>25 secrecy of the method to be used by Pursuant</p>	<p>1 Q Is that a true statement?</p> <p>2 A Correct.</p> <p>3 Q Did you make any requests of SoloHealth at the</p> <p>4 time of the contribution agreement to maintain</p> <p>5 the secrecy of any information that you</p> <p>6 contemplated providing to SoloHealth?</p> <p>7 A Unless it's in the document, I'm not aware of</p> <p>8 it.</p> <p>9 Q And when you say document, you're talking about</p> <p>10 the contribution agreement?</p> <p>11 A Correct.</p> <p>12 Q And just so our record is clear, you didn't</p> <p>13 provide at the closing of the contribution</p> <p>14 agreement any specific information about a method</p> <p>15 for developing, implementing, or expanding usage</p> <p>16 of a medical screening kiosk, correct?</p> <p>17 A I was not asked to do that.</p> <p>18 Q Okay. And looking back at the document we've</p> <p>19 marked as exhibit -- I think it's Exhibit 9, the</p> <p>20 contribution agreement.</p> <p>21 MR. INOENCIO: That is Exhibit 9.</p> <p>22 MR. BUSH: Thank you.</p> <p>23 MR. INOENCIO: You're welcome.</p> <p>24 MR. BUSH: I will butcher it if you</p> <p>25 don't keep me straight.</p>

Page 98	Page 100
<p>1 MR. INOSENICIO: It looks like this.</p> <p>2 THE WITNESS: Yeah. No, it's just</p> <p>3 where in the stack. Okay, I'm there with you.</p> <p>4 BY MR. BUSH:</p> <p>5 Q Do you recognize the document, Dr. Lavery, that</p> <p>6 we handed you that we've marked as Exhibit 12?</p> <p>7 A I do.</p> <p>8 Q And you recognize this document as amended</p> <p>9 discovery responses that your counsel served on</p> <p>10 January 4th of 2023?</p> <p>11 A I know they're responses. I don't remember if</p> <p>12 they were amended or -- but yes, I recognize</p> <p>13 these.</p> <p>14 Q And these were served on January 4th of 2023,</p> <p>15 correct?</p> <p>16 A I don't know that, but --</p> <p>17 Q There's a date at the last page.</p> <p>18 A On the last page? Okay.</p> <p>19 Q You agree that these were served on January 4th?</p> <p>20 A Yes.</p> <p>21 Q And looking with me at pages six and seven, your</p> <p>22 amended response to interrogatory number 7, and</p> <p>23 this response itemizes the three general</p> <p>24 categories of things that you allege to be trade</p> <p>25 secrets; correct?</p>	<p>1 Exhibit 13.</p> <p>2 MR. INOSENICIO: Thank you.</p> <p>3 (Exhibit 13 is marked.)</p> <p>4 BY MR. BUSH:</p> <p>5 Q Do you recognize the document we've marked as</p> <p>6 Exhibit 13, Dr. Lavery?</p> <p>7 A I do not.</p> <p>8 Q Have you ever seen this document before today?</p> <p>9 A Let me -- presumably, yes.</p> <p>10 Q And I'll represent to you that this is a document</p> <p>11 that your counsel produced to us from your files</p> <p>12 in connection with this litigation.</p> <p>13 A Okay.</p> <p>14 Q Does that appear to be true to you?</p> <p>15 A Yes.</p> <p>16 Q And looking at this document, it appears to be --</p> <p>17 to have been prepared by a law firm in June of</p> <p>18 2007, correct?</p> <p>19 A Yes.</p> <p>20 Q And this law firm is requesting that you complete</p> <p>21 the attachments that are provided to itemize all</p> <p>22 of your intellectual property. Do you see that?</p> <p>23 A Can you reference where that is?</p> <p>24 Q It's in the pages attached to the document we</p> <p>25 marked as Exhibit 13.</p>
Page 99	Page 101
<p>1 MR. INOSENICIO: Can you give him a</p> <p>2 minute to read the four pages that that</p> <p>3 encompasses, or three pages that that encompasses</p> <p>4 before he responds?</p> <p>5 MR. BUSH: It's three sentences at the</p> <p>6 bottom of page six and goes into the top of the</p> <p>7 page seven.</p> <p>8 MR. INOSENICIO: Well, I would like him</p> <p>9 to read the complete response before he responds.</p> <p>10 MR. BUSH: That's fine.</p> <p>11 MR. INOSENICIO: Okay.</p> <p>12 THE WITNESS: Okay, I think I've read</p> <p>13 enough to hopefully be where you're at.</p> <p>14 BY MR. BUSH:</p> <p>15 Q So you understand that this response to</p> <p>16 interrogatory number 7 is your description of</p> <p>17 the alleged trade secrets in this litigation,</p> <p>18 correct?</p> <p>19 A Correct.</p> <p>20 Q Were any of the items that are described in this</p> <p>21 response to interrogatory number 7, did you</p> <p>22 provide any of this to SoloHealth at the closing</p> <p>23 of the contribution agreement?</p> <p>24 A No.</p> <p>25 Q I'm giving you a document that we'll mark as</p>	<p>1 A Okay. It's a long document, but --</p> <p>2 Q I'll give you a moment to look through it.</p> <p>3 A Okay. I see the document.</p> <p>4 Q Did you ever complete the forms that are included</p> <p>5 in the document that's marked as Exhibit 13 and</p> <p>6 submit the completed information back to the</p> <p>7 person who requested it?</p> <p>8 A I would imagine I had to.</p> <p>9 Q Well, we don't have that. Do you have a memory</p> <p>10 of doing that or is it just your speculation</p> <p>11 sitting here today that you did that?</p> <p>12 A So the first blush is speculation that if I'm</p> <p>13 moving forward with a legal deal and the lawyer</p> <p>14 sends me documents to fill out to move forward, I</p> <p>15 would think I would fill them out. So that would</p> <p>16 be my presumption. If I read them or look at</p> <p>17 these closer, let me see if it rings any bells.</p> <p>18 Q Please, thank you.</p> <p>19 A So I don't recall. I mean, the questions look</p> <p>20 like good questions to ask and it looks sort of</p> <p>21 familiar, but it also looks fairly lengthy and</p> <p>22 onerous. And I don't know.</p> <p>23 Q Do you remember identifying any trade secrets in</p> <p>24 response to the request for information that you</p> <p>25 received that we've marked as Exhibit 13?</p>

Page 158	Page 160
<p>1 MR. BUSH: This is a summary document --</p> <p>2 MR. INOENCIO: Okay.</p> <p>3 MR. BUSH: -- that my firm created from</p> <p>4 the materials that have been produced in the</p> <p>5 litigation.</p> <p>6 BY MR. BUSH:</p> <p>7 Q Dr. Lavery, do you recognize the entries on the</p> <p>8 document we marked as Exhibit 22 as payments that</p> <p>9 were made to you under the terms of the</p> <p>10 contribution agreement?</p> <p>11 A I certainly don't recall the specific numbers.</p> <p>12 But they're in the general ballpark of what I</p> <p>13 expected.</p> <p>14 Q And this doesn't capture any payments before</p> <p>15 April of 2014. Do you know whether there were</p> <p>16 royalty payments made to you before April of</p> <p>17 2014?</p> <p>18 A I believe there were.</p> <p>19 Q Okay. So those amounts would not be included</p> <p>20 here. But this nonetheless includes all of the</p> <p>21 payments that were made to you from April of 2014</p> <p>22 through the last quarter of 2021, do you see</p> <p>23 that?</p> <p>24 A I do.</p> <p>25 Q And the total amount reflected here is just north</p>	<p>1 contact with you probably. You have a standard</p> <p>2 order, you said?</p> <p>3 MR. BUSH: That's right.</p> <p>4 THE VIDEOGRAPHER: For the video and</p> <p>5 things?</p> <p>6 MR. BUSH: That's right.</p> <p>7 THE VIDEOGRAPHER: And as far as a video</p> <p>8 for you folks?</p> <p>9 MR. INOENCIO: Yes, please.</p> <p>10 THE VIDEOGRAPHER: A copy. Okay, I'll</p> <p>11 let Veritext know you'd like a copy as well.</p> <p>12 MR. INOENCIO: All right.</p> <p>13 MR. BUSH: Thank you.</p> <p>14 (Proceedings concluded at 3:07 p.m.)</p> <p>15 *****</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p>
Page 159	Page 161
<p>1 of \$627,000. Do you see that?</p> <p>2 A Correct.</p> <p>3 Q Does that amount seem accurate to you?</p> <p>4 A Yes.</p> <p>5 Q It may be higher if we include the amounts from</p> <p>6 before April of 2014, correct?</p> <p>7 A Correct.</p> <p>8 MR. BUSH: I don't have any further</p> <p>9 questions.</p> <p>10 MR. INOENCIO: Okay. We're finished,</p> <p>11 thank you.</p> <p>12 MR. BUSH: Thank you for your time.</p> <p>13 THE VIDEOGRAPHER: This concludes</p> <p>14 today's video deposition of Dr. Lavery.</p> <p>15 The time is 3:06 p.m. and we are off the</p> <p>16 record.</p> <p>17 (Discussion off the record.)</p> <p>18 MR. BUSH: My paralegal has our order,</p> <p>19 Amy Mansfield, and I don't want to get crosswise</p> <p>20 with her. So I need her to confirm our order. I</p> <p>21 know we want a rough. Thank you.</p> <p>22 MR. INOENCIO: At this point I would</p> <p>23 like the etrans and a video. Thank you.</p> <p>24 THE VIDEOGRAPHER: And I'll be sending</p> <p>25 the video to Veritext and they will get in</p>	<p>1 C E R T I F I C A T E</p> <p>2</p> <p>3 STATE OF MICHIGAN</p> <p>4 COUNTY OF CALHOUN</p> <p>5</p> <p>6</p> <p>7 I, Marilyn J. Hubbard, Certified</p> <p>8 Shorthand Reporter and Notary Public in and for</p> <p>9 the State of Michigan, do hereby certify that the</p> <p>10 foregoing transcript of the deposition of Kevin</p> <p>11 Lavery, M.D. on January 31, 2023, is true and</p> <p>12 accurate to the best of my knowledge, skill and</p> <p>13 ability.</p> <p>14 IN WITNESS WHEREOF, I have hereunto set my</p> <p>15 hand and seal this 9th day of February, 2023.</p> <p>16</p> <p>17</p> <p>18</p> <p>19 <% 1308,Signature%></p> <p>20 Marilyn J. Hubbard, CSR</p> <p>21</p> <p>22</p> <p>23 My commission expires:</p> <p>24 07-25-24</p> <p>25</p>